

**Exhibits Referenced in Addendum Regarding
Certain Summary Exhibits
(Part 7)**

Confidential

NDCs/Years Where Dr. Hartman Finds Liability for Branded Products in Class 3 Dr. Hartman's AWPs

NDc	Drug	Description	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
00085122501	Inton	INTRON A FOR INJ MULTIDOSE PEN										409.90	426.29	469.80	488.59	
000851224201	Inton	INTRON A FOR INJ MULTIDOSE PEN										245.93	255.77	293.14	977.20	
00085118301	Inton	INTRON A, INJ 25MU HSA FREE										245.93	241.59	391.51	407.17	
00085118401	Inton	INTRON A, INJ 3MU HSA FREE										245.93	256.77			
00085118402	Inton	INTRON A, INJ 3MU HSA FREE										245.93	256.77			
00085119102	Inton	INTRON A INJ 5MU HSA FREE										399.90				
00085117901	Inton	INTRON A INJ 5MU HSA FREE										819.80				
00085057102	Inton	INTRON A INJECTABLE 10ML/100U										819.80				
00085057106	Inton	INTRON A INJECTABLE 10ML/100U										239.93				
00085117101	Inton	INTRON A INJECTABLE 18ML/100U										245.93				
00085022502	Inton	INTRON A INJECTABLE 28ML/100U										355.25				
00085064703	Inton	INTRON A INJECTABLE 3ML/100U										245.93				
00085064704	Inton	INTRON A INJECTABLE 3ML/100U										245.93				
00085064705	Inton	INTRON A INJECTABLE 3ML/100U										245.93				
00085012002	Inton	INTRON A INJECTABLE 5ML/100U										245.93				
00085012003	Inton	INTRON A INJECTABLE 5ML/100U										245.93				
00085012004	Inton	INTRON A INJECTABLE 5ML/100U										245.93				
00085012005	Inton	INTRON A INJECTABLE 5ML/100U										245.93				
000850595901	Inton	INTRON A INJECTABLE 50ML/100U										245.93				
000850595901	Inton	INTRON A INJECTION 18 MU										245.93				
000850592301	Inton	INTRON A SOL FOR INJ 10 MILLI										245.93				
00085076901	Inton	INTRON A SOLUTION 18ML 3ML										245.93				
00085133801	Proventil	PROVENTIL INHALATION SOLUTION										245.93				
00085120901	Proventil	PROVENTIL SOLUTION 033MG/ML										245.93				
00085118601	Proventil	PROVENTIL SOLUTION 033MG/ML										245.93				
00085020802	Proventil	PROVENTIL SOLUTION 033MG/ML										245.93				
00085125901	Temodar	TEMODAR 100MG										245.93				
00085125902	Temodar	TEMODAR 100MG										245.93				
00085124401	Temodar	TEMODAR 20MG										245.93				
00085124402	Temodar	TEMODAR 20MG										245.93				
00085125001	Temodar	TEMODAR 250MG										245.93				
00085125202	Temodar	TEMODAR 250MG										245.93				
00085124801	Temodar	TEMODAR 5MG										245.93				
00085124802	Temodar	TEMODAR 5MG										245.93				

Sources: "Attachment 14: Schering-Plough Drugs Subject to Liability" in "Direct Testimony of Raymond S. Hartman", November 1, 2006. "Attachment 6,4,b: Schering-Plough Annual AWPs" in "Direct Testimony of Raymond S. Hartman" November 1, 2006.

Defendants' Exhibit

ט' ט' ט' ט' ט'

of 4

Confidential

**NDCs/Years Where Dr. Hartman Finds Liability for Branded Products in Class 3
"ASPs" for Sales to Full Line Wholesalers**

NDC	Drug	Description	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
00085123501	Inton	INTRON A FOR INJ MULTIDOSE PEN										341.44	358.64	386.75	398.01	
00085124201	Inton	INTRON A FOR INJ MULTIDOSE PEN										204.70	214.18	790.24		
00085125401	Inton	INTRON A FOR INJ MULTIDOSE PEN										203.01	236.75	236.89		
00085116801	Inton	INTRON A INJ 18ML HSA FREE										282.34	324.38	326.30		
00085113301	Inton	INTRON A INJ 3ML HSA FREE														
00085118401	Inton	INTRON A INJ 3ML HSA FREE														
00085118402	Inton	INTRON A INJ 3ML HSA FREE														
00085119101	Inton	INTRON A INJ 3ML HSA FREE														
00085119102	Inton	INTRON A INJ 3ML HSA FREE														
00085117501	Inton	INTRON A INJ 5ML HSA FREE														
00085117802	Inton	INTRON A INJ 5ML HSA FREE														
000851057102	Inton	INTRON A INJECTABLE 10ML INJ														
00085111001	Inton	INTRON A INJECTABLE 10ML INJ														
00085028502	Inton	INTRON A INJECTABLE 18ML INJ														
000850284703	Inton	INTRON A INJECTABLE 3ML INJ														
000850284704	Inton	INTRON A INJECTABLE 3ML INJ														
000850284705	Inton	INTRON A INJECTABLE 3ML INJ														
00085012002	Inton	INTRON A INJECTABLE 10ML INJ	69.86	74.28												
00085012003	Inton	INTRON A INJECTABLE 10ML INJ			475.58	485.53										
00085012004	Inton	INTRON A INJECTABLE 18ML INJ	175.40	185.56	196.76											
00085012005	Inton	INTRON A INJECTABLE 3ML INJ														
000850153801	Inton	INTRON A INJECTABLE 5ML INJ	35.04	134.24	142.04											
000850153801	Inton	INTRON A INJECTABLE 5ML INJ	37.39													
000850153801	Inton	INTRON A INJECTABLE 5ML INJ	555.18	579.65												
000850153801	Inton	INTRON A INJECTION 18ML	371.89	399.79												
000850153801	Inton	INTRON A SOL FOR INJ 10ML			85.47	157.53										
000850153801	Inton	INTRON A SOL FOR INJ 10ML					232.12									
000850153801	Inton	INTRON A SOLUTION 18ML 3ML														
000850153801	Proventil	PROVENTIL INHALATION SOLUTION	25.05	22.55	28.21	29.64	30.67					40.35				
000850153801	Proventil	PROVENTIL SOLUTION 0.9345GM														
000850153801	Proventil	PROVENTIL SOLUTION 0.9345GM	11.51	9.55	12.02	12.08	12.65	13.69				16.37	44.42	45.35		
000851252901	Temodar	TEMODAR 100MG														
000851252902	Temodar	TEMODAR 100MG														
00085124401	Temodar	TEMODAR 20MG														
00085124402	Temodar	TEMODAR 20MG														
00085125201	Temodar	TEMODAR 250MG														
00085125202	Temodar	TEMODAR 250MG														
00085124801	Temodar	TEMODAR 5MG														
00085124802	Temodar	TEMODAR 5MG														
			5,277.90	5,699.37	6,124.20							127.14	135.53			

Notes: - Sales exclude non-sales transactions, and do not include rebates found in the rebates files. If sales dollars for a particular NDC and

customer number for the whole year were negative, they were dropped.

„ASP“ is calculated by customer as identified by customer number and COT.

Sources: Scheiring Sales Data, „Attachment 14: Scheiring-Pittsburgh Drugs Subject to Liability in „Direct“ Testimony of Raymond S. Hartman“, November 1, 2006.

"NDCs/Years Where Dr. Hartman Finds Liability for Branded Products in Class 3 "Spreads" Based on "ASPs" for Sales to Full Line Wholesalers and Dr. Hartman's AWPss

	20.6%	20.5%	26.5%	21.2%
1. 35.0%	82.5%	29.2%	28.5%	37.5%
2. 30.4%	28.3%	30.4%	30.4%	30.4%
3. 30.4%	30.4%	30.4%	30.4%	30.4%
4. 30.4%	30.4%	30.4%	30.4%	30.4%

Dr. Harrigan's AWP for intravenous *metoclopramide* is listed as \$19.10 in 1985, which is approximately twice the AWP for all other years in the given period. Medspan lists the AWP as \$10.02 and Redbook lists the AWP as \$9.55.

સાચા: દોષાદૂર દીપીક પત્રિકા

"Full Line Drug Wholesaler 'MAPS' at Point Where Dr. Harman has Found Liability for Class 3 for Branded Products," *Attachment 14: Schering-Plough Drugs at Liability in Direct Testimony of Raymond S. Harman*, November 1, 2008; "Attachment 4-B: Schering-Plough Annual AWPs in Direct Testimony of Raymond S. Harman", November 1, 2008; "Comprehensive Price Fixing", 2005 *Watsons* Kluwer Health (Testimony of Raymond S. Harman), November 1, 2008.

1995 Redbook

Confidential

Confidential

NDCs/Years Where Dr. Hartman Finds Liability for Branded Products in Class 3 Instances Where "Spreads" Exceed 30 Percent

NDC	Drug	Description	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
00085123501	Intron	INTRON A FOR INJ MULTIDOSE PEN														
00085124201	Intron	INTRON FOR INJ MULTIDOSE PEN														
00085125401	Intron	INTRON A FOR INJ MULTIDOSE PEN														
00085118801	Intron	INTRON A INJ 18MLU HSA FREE														
00085113301	Intron	INTRON A INJ 25MLU HSA FREE														
00085118401	Intron	INTRON A INJ 3MLU HSA FREE														
00085118402	Intron	INTRON A INJ 3MLU HSA FREE														
00085119101	Intron	INTRON A INJ 5MLU HSA FREE														
00085119102	Intron	INTRON A INJ 5MLU HSA FREE														
00085117901	Intron	INTRON A INJ 18MLU HSA FREE														
00085117902	Intron	INTRON A INJ 25MLU HSA FREE														
00085117912	Intron	INTRON A INJ 3MLU HSA FREE														
00085117916	Intron	INTRON A INJ 3MLU HSA FREE														
00085117917	Intron	INTRON A INJ 5MLU HSA FREE														
00085122852	Intron	INTRON A INJ 18MLU HSA FREE														
00085164703	Intron	INTRON A INJ 18MLU HSA FREE														
00085164704	Intron	INTRON A INJECTABLE 3MLU														
00085164705	Intron	INTRON A INJECTABLE 3MLU														
0008512002	Intron	INTRON A INJECTABLE 5MLU														
0008512003	Intron	INTRON A INJECTABLE 10MLU														
0008512004	Intron	INTRON A INJECTABLE 16MLU														
0008512005	Intron	INTRON A INJECTABLE 26MLU														
00085165901	Intron	INTRON A INJECTABLE 3MLU														
00085165901	Intron	INTRON A INJECTABLE 5MLU														
00085165901	Intron	INTRON A INJECTABLE 10MLU														
00085175901	Intron	INTRON A SOL FOR INJ 10 MILLI														
00085175901	Intron	INTRON A SOL FOR INJ 25MLU														
00085133601	Prevordil	PROVENTIL INHALATION SOLUTION														
00085202901	Prevordil	PROVENTIL SOLUTION 0.3MG/ML														
00085180801	Prevordil	PROVENTIL SOLUTION 0.9MG/ML														
00085020802	Prevordil	PROVENTIL SOLUTION 5MG/ML														
00085122901	Termodar	TEMODAR 100MG														
00085125902	Termodar	TEMODAR 100MG														
00085124401	Termodar	TEMODAR 20MG														
00085124402	Termodar	TEMODAR 20MG														
00085125201	Termodar	TEMODAR 250MG														
00085125202	Termodar	TEMODAR 250MG														
00085124801	Termodar	TEMODAR 5MG														
00085124802	Termodar	TEMODAR 5MG														

Sources: "Comprehensive Price History File," 2005 Wolters Kluwer Health (Medispan).

Schering Sales Data.

"Full Line Drug Wholesalers' ASPEs at Points Where Dr. Hartman Has Found Liability for Class 3 for Branded Products".

"Full Line Wholesaler Spreads at Points Where Dr. Hartman Has Found Liability for Class 3 for Branded Products".

Attachment 14: Schering-Plough Drugs Subject to Liability in "Direct Testimony of Raymond S. Hartman," November 1, 2008.

Dr. Hartman's Liability Findings Largely Vanish Using More Appropriate Wholesaler "ASPs",

Defendants' Exhibit
2960
01-12257 - PBS

NDC	Drug	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
00085123501	Intron														
00085124201	Intron														
00085125401	Intron														
00085116801	Intron														
00085113301	Intron														
00085118401	Intron														
00085118402	Intron														
00085119101	Intron														
00085119102	Intron														
00085117901	Intron														
00085117902	Intron														
00085057102	Intron														
00085057106	Intron														
00085111001	Intron														
00085028502	Intron														
00085057103	Intron														
00085064704	Intron														
00085064705	Intron														
00085012002	Intron														
00085012003	Intron														
00085012004	Intron														
00085012005	Intron														
00085053901	Intron														
00085068901	Intron														
00085092301	Intron														
00085076901	Intron														
00085095301	Intron														
00085133601	Proventil														
00085020901	Proventil														
00085180601	Proventil														
00085020802	Proventil														
00085125901	Temodar														
00085125902	Temodar														
00085124401	Temodar														
00085124402	Temodar														
00085125201	Temodar														
00085125202	Temodar														
00085124801	Temodar														
00085124802	Temodar														

Confidential

Distribution of Sales¹
by Percentage of WAC Paid by Schering Customers
in the "Governmental Buyers" Class of Trade
Intron-A
1991 - 2004

Percentage of WAC²

Greater Than (Percent) (a)	Less Than or Equal To (b)	Sales		Percent of Sales (Percent) (d)
		(Dollars) (c)		
100		\$ 0.00	0.00 %	
99	100	10,909.46	0.02	
98	99	0.00	0.00	
97	98	0.00	0.00	
96	97	0.00	0.00	
95	96	1,259.84	0.00	
90	95	207,896.52	0.38	
85	90	1,054,081.96	1.91	
80	85	354,584.61	0.64	
	80	53,665,113.90	97.05	

Notes:

- Sales exclude non-sales transactions, and do not include rebates found in the rebates files. If sales dollars for a particular NDC and customer number for the whole year were negative, they were dropped.
- Governmental buyers account for 2.62% of total Intron-A sales.
- The NDCs used were all Schering Intron-A NDCs analyzed in the MDL (00085012002, 00085012003, 00085012004, 00085012005, 00085028502 00085053901, 00085057102, 00085057106, 00085064703, 00085064704, 00085064705, 00085068901, 00085076901, 00085092301, 00085095301, 00085111001, 00085113301, 00085116801, 00085117901, 00085117902, 00085118401, 00085118402, 00085119101, 00085119102, 00085123501, 00085124201, 00085125401).
- Governmental buyers are defined as the following customer classes of trade and class of trade numbers: Armed Services (331), VA & Public Health (332), Other Federal Institutions (333), Public Health Service (334), VA Depots (511), and Armed Service Depots (512).
- These classes of trade are excluded from Dr. Hartman's analysis of ASPs in his December backup.

¹ "ASP" is calculated by customer as identified by customer number.

² WAC, which is calculated as AWP/1.2 until January 1, 2002 and AWP/1.25 thereafter, is measured at the June 30th value of AWP. In cases where a product's first reported AWP occurs after June 30th, the first reported AWP is used.

Sources:

- Schering Sales Data.
- "Comprehensive Price History File," 2005 Wolters Kluwer Health (Medispan).
- "Third Amended Master Consolidated Class Action Complaint Amended to Comply With Court's Class Certification Order, Redacted Version."
- "Declaration of Raymond S. Hartman in Support of Plaintiffs' Claims of Liability and Calculation of Damages," December 15, 2005.
- "Frequently Asked Questions," US Public Health Service Commissioned Corps, Retrieved 11/5/2006, www.usphs.gov/html/physician.html#faq.

1 of 1

Defendants' Exhibit

2940

01-12257 - PBS

Confidential

Distribution of Sales¹
by Percentage of WAC Paid by Schering Customers
in the "Governmental Buyers" Class of Trade
Proventil
1991 - 2004

<u>Percentage of WAC²</u>				
<u>Greater Than</u> <u>(Percent)</u>	<u>Less Than or Equal To</u>	<u>Sales</u> <u>(Dollars)</u>	<u>Percent of Sales</u> <u>(Percent)</u>	
(a)	(b)	(c)	(d)	
100		\$ 115.26	0.00	%
99	100	0.00	0.00	
98	99	0.00	0.00	
97	98	0.00	0.00	
96	97	0.00	0.00	
95	96	0.00	0.00	
90	95	0.00	0.00	
85	90	0.00	0.00	
80	85	0.00	0.00	
	80	89,435,151.82	100.00	

Notes:

- Sales exclude non-sales transactions, and do not include rebates found in the rebates files. If sales dollars for a particular NDC and customer number for the whole year were negative, they were dropped.
- Governmental buyers account for 3.59% of total Proventil sales.
- The NDCs used are all Schering Proventil NDCs either analyzed in the MDL (00085020802, 00085020901, 00085133601 and 00085180601) or only accused in the MDL complaint (00085061402 and 00085061403).
- Governmental buyers are defined as the following customer classes of trade and class of trade numbers: Armed Services (331), VA & Public Health (332), Other Federal Institutions (333), Public Health Service (334), VA Depots (511), and Armed Service Depots (512).
- These classes of trade are excluded from Dr. Hartman's analysis of ASPs in his December backup.

¹ "ASP" is calculated by customer as identified by customer number.

² WAC, which is calculated as AWP/1.2 until January 1, 2002 and AWP/1.25 thereafter, is measured at the June 30th value of AWP. In cases where a product's first reported AWP occurs after June 30th, the first reported AWP is used.

Sources:

- Schering Sales Data.
- "Comprehensive Price History File," 2005 Wolters Kluwer Health (Medispan).
- "Third Amended Master Consolidated Class Action Complaint Amended to Comply With Court's Class Certification Order, Redacted Version."
- "Declaration of Raymond S. Hartman in Support of Plaintiffs' Claims of Liability and Calcul[]ation of Damages," December 15, 2005.
- "Frequently Asked Questions," US Public Health Service Commissioned Corps, Retrieved 11/5/2006, www.usphs.gov/html/physician.html#faq.

Confidential

Distribution of Sales¹
by Percentage of WAC Paid by Schering Customers
in the "Governmental Buyers" Class of Trade
Temodar
1991 - 2004

<u>Percentage of WAC²</u>		<u>Sales</u>	<u>Percent of Sales</u>
<u>Greater Than or Equal To</u>	<u>Less Than or Equal To</u>	<u>(Dollars)</u>	<u>(Percent)</u>
(a)	(b)	(c)	(d)
100		\$ 0.00	0.00 %
99	100	0.00	0.00
98	99	0.00	0.00
97	98	0.00	0.00
96	97	0.00	0.00
95	96	0.00	0.00
90	95	0.00	0.00
85	90	0.00	0.00
80	85	24,586.60	0.30
	80	8,174,697.86	99.70

Notes:

- Sales exclude non-sales transactions, and do not include rebates found in the rebates files. If sales dollars for a particular NDC and customer number for the whole year were negative, they were dropped.
- Governmental buyers account for 1.47% of total Temodar sales.
- NDCs included in this analysis are 00085125901, 00085125902, 00085124401, 00085124402, 00085125201, 00085125202, 00085124801, and 00085124802.
- Governmental buyers are defined as the following customer classes of trade and class of trade numbers: Armed Services (331), VA & Public Health (332), Other Federal Institutions (333), Public Health Service (334), VA Depots (511), and Armed Service Depots (512).
- These classes of trade are excluded from Dr. Hartman's analysis of ASPs in his December backup.

¹ "ASP" is calculated by customer as identified by customer number.

² WAC, which is calculated as AWP/1.2 until January 1, 2002 and AWP/1.25 thereafter, is measured at the June 30th value of AWP. In cases where a product's first reported AWP occurs after June 30th, the first reported AWP is used.

Sources:

- Schering Sales Data.
- "Comprehensive Price History File," 2005 Wolters Kluwer Health (Medispan).
- "Third Amended Master Consolidated Class Action Complaint Amended to Comply With Court's Class Certification Order, Redacted Version."
- "Declaration of Raymond S. Hartman in Support of Plaintiffs' Claims of Liability and Calcul[ulation] of Damages," December 15, 2005.
- "Frequently Asked Questions," US Public Health Service Commissioned Corps, Retrieved 11/5/2006, www.usphs.gov/html/physician.html#faq.